IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application:) .
J. Kenneth Burkus et al.) Before the Examiner
Serial No. New Application)
Filed Herewith) Group Art Unit
METHODS AND INSTRUMENTATION FOR VERTEBRAL INTERBODY)Atty Docket No. 4002-3501/PC316.18
FUSION) March 19, 2004

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56 and 1.98,

Applicant wishes to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Statement by Applicant. This information has not been previously submitted in this application, and has not been heretofore cited by the examiner. Copies of cited items marked with an * have not been enclosed since the items were previously submitted in parent application Ser. No. 09/965,018 filed on September 27, 2001.

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The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, prior art or material to the patentability as defined in 37 C.F.R. §1.56.

This Statement is being submitted before the mailing of a first Office Action on the merits. Therefore, it is believed that no fee is required for consideration of the submitted items.

Should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

Douglas A. Collier

Reg. No. 43,556

Woodard, Emhardt, Moriarty,

McNett & Henry LLP

Bank one Center/Tower

111 Monument Circle, Suite 3700

Indianapolis, IN 46204-5137

(317) 634-3456

004002-003501.DAC.270802

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)						Atty. Docket No 4002-3501/P							
Sheet 1 of 4						Applicant Burkus et al.							
		0				Filing Date Herewith			Group	Group			
						ENT DOCUM							
*Examiner Initial		DOCUMENT NUMBER	DATE		NAME	C	CLASS	SUBCLASS	Filing Dat If appropr				
	*1	5,015,255	05/199)1	Kuslic	ch							
	*2	5,055,104	8/91		Ray								
	*3	5,431,658	07/199	95	Mosk	ovich							
	*4	5,484,437	01/199	96	Miche	elson							
	*5	5,489,307	02/199	96	Kuslic	ch et al.							
	*6	5,505,732	04/199	996 Hegge 996 Huebr 6 Hart e		elson							
	*7	5,514,180	05/199			eness et al.							
	*8	5,556,399	09/199			ner							
	*9	5,569,205	10/96			et al.							
	*10	5,571,109	11/199			gnoli							
	*11	5,609,636	03/199			et al.							
	*12	5,720,748	02/199	98	Kusli	ch et al.							
	*13	5,741,253	04/199	98	Miche	elson							
	•			FORE	EIGN F	PATENT DOO	CUM	ENTS	·				
						•		CLASS	SUBCLASS		nslation		
										Yes	No		
	*53	WO 93/14	801	8/1993		PCT							
	*54	WO 96/27	345	9/1	996	PCT							
	*55	WO 96/40	020	12/1996		PCT							
	*56	WO 99/09	896 3/		999	PCT							
	*57	WO 99/09	913 3/1		999	PCT							
	*58	WO 99/52	453	10/1	1999	PCT				_			
Examiner	Examiner			Date Consid	dered		•						
*Examiner:	initial if	reference considere	ed, whethe	r or not	citation	is in conformance	with l	MPEP 609; Dr	aw line through cita	ation if not i	n		
conformance	and not	considered. Include	de copy of	this for	m with n	ext communicatio	n to aj	plicant.					

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			(Use several sheets if necessary)							<u> </u>	
		Sheet 2 of 4				Applicant Burkus et al.					
Sheet 2 Of 4						Filing Date Group					
				U.S	S. PAT	Herewith ENT DOCUM	IENT	<u> </u>			
Examiner Initial		DOCUMENT NUMBER	DAT			NAME		ASS	SUBCLASS	Filing Date If appropriate	
	*14	5,759,185	06/199	98	Grinb	erg				· · · · · · · · · · · · · · · · · · ·	
	*15	5,766,252	06/199	98	Henry	et al.					
	*16	5,772,661	06/199	98	Miche	elson					
	*17	5,785,710	07/199	98	Miche	elson					
	*18	5,797,909	08/199	98	Miche	elson					
	*19	5,865,834	02/199	9	McGu	iire					
	*20	5,865,847	02/199	9	Kohrs	et al.					
	*21	5,885,299	03/199	9	Winsl	ow et al.					
	*22	5,899,908	05/199	9	Kuslic	ch et al.					
	*23	5,947,971	09/199	9	Kuslic	ch et al.					
	*24	5,968,098	10/199	9 Winsl		Winslow					
	*25	6,004,326	12/199	9	Castro et al.						
	*26	6,033,405	03/200	00	Winsl	inslow et al.				,	
	*27	6,042,582	03/200	00	Ray					_	
	*28	6,056,749	05/200	00	Kuslic	ch					
	*29	6,059,790	05/200	00	Sand	et al.					
	*30	6,063,088	05/200	00	Winsl	ow					
						PATENT DOC	UME				
		DOCUME NUMBE		DA	TE	COUNTRY		CLASS	SUBCLASS	Yes No	
	*59	WO 99/59	481	11/	/99	PCT					
	*60	WO 00/04			000	PCT	- -			· · ·	
	*61	WO 00/04			000	PCT	-				
	*62	EP 0 880 93	8 A1	12/	98	EP					
	*63	EP 0 732 09	3 A2	2/9	96	EP					
Examiner				Date Consid	lered						

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)						Atty. Docket No 4002-3501/P						
(Ose several sheets if necessary)						Applicant						
	Sheet 3 of 4	Burkus et al.										
		Filing Date Group Herewith										
			,			ENT DOCUM				·		
*Examiner Initial		DOCUMENT NUMBER	D.	DATE		NAME	(CLASS	SUBCLASS	Filing l		
	*31	6,080,155	06/	2000	Miche	lson						
	*32	6,083,225	07/	2000	Winslow et al.							
	*33	6,086,595	7//2	2000	Yoner	nura et al.						
	*34	6,096,038	08/	2000	Miche	lson						
	*35	6,113,602	09/	2000	Sand						-	
	*36	6,120,506	09/	2000	Kohrs	et al.						
	*37	6,123,705	09/	2000	Miche	lson			-			
	*38	6,156,595	12/	2000	Yoner	nura et al.				·		
	*39	6,159,214	12/	2000	Miche	lson						
	*40	6,113,602	09/	2000	Sand							
	*41	6,171,339	01/	2001	Houfb	urg et al.						-
	*42	6,174,311	01/	2001	Branc	h et al.						
	*43	6,210,412	04/	2001	Miche	lson						
	*44	6,224,599	05/	2001	Baynh	iam					•	
	*45	6,224,595	05/	2001	Miche	lichelson						
	*46	6,224,607	05/	/2001 Miche		lson						
	*47	6,277,122	08/	2001	McGa	AcGahan et al.						
	*48	6,447,512	09/	2002	Landr	lry et al.						
	*49	6,575,981	06/	2003	Boyd	et al.						
	*50	6,582,437	06/	2003	Dorch	rchak et al.						
	*51	6,648,895	11/	2003	Burku	s et al.			·			
	*52	US/01/0016741	08/	2001	Burku	s et al.						
						ATENT DOC						
		DOCUMENT NUM	BER	D.	ATE	COUNTRY		CLASS	SUBCLASS	Yes	<u>Franslati</u>	ion No
	*64	WO/0045709)	8/10	/2000	PCT			<u> </u>			1.0
												
Examiner				l		Date Consid	lered		<u> </u>			
								-				
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*Examiner: conformance	initial if and not	reference considered, v considered. Include c	wnethe opy of	r or not this for	citation is m with ne	s in conformance at communication	with f n to ap	viPEP 609; Dr oplicant.	aw line inrough cit	adon if no	n in	

							
INFORM	AATIO	N DISCLOSURE	Atty. Docket No.	Serial No.			
CITATION			4002-3501/PC361.18 New Application				
(Use several sheets if necessary)			Applicant Rurkus et al				
(Ose several sheets it necessary)			Burkus et al. Filing Date	Group			
	-)	Herewith				
	<u>F</u>	Page 4 of 4		<u> </u>			
Examiner Initial		PU	UBLICATION				
	*65	Surgical Technique Using B	one Dowel Instrumentation	for Anterior Approach.			
		Sofamor Danek The Spine S					
	*66	Reduced Profile Instrumenta		described by J. Kenneth			
		Burkus and John D. Dorchal					
	*67			ed by Scott H. Kitchel, M.D.;			
	3,	Sofamor Danek, ©1999.	. <u></u> , as describ	22 0, 500tt 11. Ixitolioi, 141.D.,			
	*68	Lumbar Tapered Fusion Dev	rice Sugical Technique, as d	lescribed by Thomas A			
	00	Zdeblick and J. Kenneth Bur					
		Autonox and J. Kenneth Du	inas, solution Daller, @200				
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				4,4400			
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Examiner			Date Considered				
		rence considered, whether or not citation		raw line through citation if not in			
conformance		sidered. Include copy of this form with					
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